

Add claim 18 as follows:

4.2
--18. An arrangement comprising first and second cooperating hand-held tools for shearing by transverse forces a body having a non-circular cross-section by the application of torsional force, said first tool comprising a first disc and said second tool comprising a second disc, each of said discs having an upper side and a lower side, said first disc having opposing cutting edges formed by a slot of fixed dimensions, and said second disc having opposing cutting edges formed by a slot of fixed dimensions, said discs directly touching each other at said edges, each of said discs having a handle attached thereto for rotating said discs counter to one another about a rotation axis to apply a torsional shearing force on the body in a plane transverse to the longitudinal axis of the body, said slots extending from the outer periphery of the respective discs and narrowing continuously toward the center of the respective discs.--

REMARKS

Claim 17 has been amended. Claim 18 has been added. Claims 13-14 stand withdrawn from consideration.

The numbered paragraphs below correspond to the similarly numbered paragraphs in the Office Action of April 25, 2000.

1. No response needed.
2. Claim 17 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection continued:

"In line 1, the characterization of the claimed invention as "[A] device" renders the claimed subject matter vague and indefinite, particularly since it is not clear how the disclosed components (i.e., the first and second hand-held tools as claimed) comprises a single hand device when they appear to be separate tools that are being used together to perform a particular function."

The rejection is respectfully traversed. Claim 17 as amended is directed to a device comprising first and second hand-held tools having certain features. For purposes of the

operation of the device, the hand-held tools can be connected or not connected. Whether connected or not, they have the features set forth in the claim.

It is not seen, therefore, that claim 17 is indefinite under 35 U.S.C. 112, second paragraph. It is urged that claim 17 overcomes this rejection.

Claim 18 is a new independent claim directed to "[a]n arrangement comprising first and second cooperating hand-held tools...." It is noted that this claim is not directed to "a device" and therefore also overcomes the rejection made previously with respect to claim 17.

The rejection under 35 U.S.C. 112, second paragraph, is urged to be overcome and should be withdrawn.

3.-5. Claim 17 was rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mende (U.S. Pat. No. 3,701,295).

The rejection went on:

"Mende discloses a hand tool with every structural limitation of the claimed invention including a disc (e.g., 5) having opposing edges (generally formed by a 90 degree intersection of two surfaces in the same manner as the present invention) formed by slot (e.g., 4) of fixed dimensions which slot narrows toward the center of the disc (e.g., it narrows at the bottom portion of the slot), and having a handle (e.g., 3).

"In the alternative, if it is argued that two of the tools are not disclosed, the Examiner takes Official notice that it is old and well known in the art to provide as many tools as necessary to perform a desired task or tasks. For example, it would have been obvious to one having ordinary skill in the art to provide two of Mende's tools for various reasons including (1) having a second one as a backup in case a first one breaks or is lost, or (2) having a second one to provide to other users for performing other tasks. It is noted that the recitations directed to how the tools are used together (e.g., "said sides directly touching each other at said edges") has been given little patentable weight since it is clearly an intended use of the disclosed tools."

The Section 102(b) and 103(a) rejections are respectfully traversed.

Claim 17 is directed to a device comprising first and second hand-held tools for shearing a body having a non-circular cross section by transverse forces. Each tool comprises a disc, which has an upper side and a lower side. Each disc has opposing cutting edges formed by a slot of fixed dimensions. The discs directly touch each other at the cutting edges and each disc has a

handle for rotating the discs to apply a torsional shearing force to the body to be sheared. The slots in the discs extend from the outer periphery of each disc and narrow continuously toward the center of the discs.

The cited Mende reference neither discloses nor suggests such a device. Mende is directed to a torque wrench comprising a tightening member and a handle member, not a device for shearing a work piece.

The Mende reference neither discloses nor suggests (a) discs having cutting edges, as called for by pending claims 17 and 18, or (b) slots which extend from the outer periphery of the discs and narrow continuously toward the center of the discs. Rather Mende's spanner head 5 is formed "with an opening 4 engageable with a bolt head or a nut to be tightened...." (Col. 1, lines 37-39)

The Mende device is a wrench, and therefore has an opening 4 having parallel sides, unlike the cutting edges and the continuously narrowing slots called for by present claims 17 and 18.

Even if two of Mende's wrenches were used, they would not have these features and could not apply a shearing force.

Nor would there be any motivation for one of ordinary skill in the art to modify the Mende device to provide the features of applicant's claims not found in Mende. Mende's device is a wrench, not a device for shearing.

Clearly, then, claims 17 and 18 are not anticipated and would not have been rendered obvious by the Mende reference to one of ordinary skill in the art at the time the invention was made. Claims 17 and 18 are therefore urged to be allowable.

Conclusion

Applicant submits that claims 17 and 18 are now in condition for allowance, which action is requested. Filed herewith is a check in payment for the required Petition for Automatic Extension (2 months) which is hereby requested. Please apply any other charges or credits to Deposit Account No. 06-1050.

Applicant : Bauer et al.
Serial No. : 08/659,046
Filed : June 3, 1996
Page : 5

Attorney's Dock 0780 116001 / LU 1472 - CIP

Respectfully submitted,

Date: 09/25/2000

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